



FILED

02-22-08

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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of California-American Water Company (U210W) for Authorization to Increase its Revenues for Service in its Monterey Wastewater District by \$1,387,600 or 83.47% in the year 2009; \$195,400 or 6.32% in the year 2010; and \$212,800 or 6.40% in the year 2011.

Application 08-01-023
(Filed January 30, 2008)

Application of California-American Water Company (U210W) for Authorization to Increase its Revenues for its General Office by \$5,499,716 or 33.51% in the year 2009; \$424,049 or 1.94% in the year 2010; and \$456,078 or 2.04% in the year 2011.

Application 08-01-024
(Filed January 30, 2008)

Application of California-American Water Company (U210W) for Authorization to Increase its Revenues for Water Service in its Monterey District by \$24,718,200 or 80.30% in the year 2009; \$6,503,900 or 11.72% in the year 2010; and \$7,598,300 or 12.25% in the year 2011 Under the Current Rate Design and to Increase its Revenues for Water Service in the Toro Service Area of its Monterey District by \$354,324 or 114.97% in the year 2009; \$25,000 or 3.77% in the year 2010; and \$46,500 or 6.76% in the year 2011 Under the Current Rate Design.

Application 08-01-027
(Filed January 30, 2008)

**CHIEF ADMINISTRATIVE LAW JUDGE RULING
ON MOTIONS FOR REASSIGNMENT ON PEREMPTORY CHALLENGE**

The Commission's Rules of Practice and Procedure, Article 9, Rules 9.2 - 9.8 specify the exclusive means for a party to a proceeding to request

reassignment of that proceeding to another Administrative Law Judge (ALJ). These rules provide for three forms of Motion for Reassignment: peremptory challenge (Rule 9.2), prior service (Rule 9.3), and cause (Rule 9.4). The first two, peremptory challenge and prior service, are only available in proceedings categorized as adjudicatory or ratesetting.

On February 21, 2008, California-American Water Company (California American Water) filed three separate Motions for Reassignment on Peremptory Challenge of these proceedings to another ALJ. These Motions were filed under Rule 9.2 and Rule 11.1, and thereby seek reassignment on peremptory challenge. As provided in Rule 9.2(d), I am issuing a ruling on those Motions. Please note that for judicial efficiency, I am issuing one ruling. The proceedings are not consolidated at this time.

A properly supported Motion seeking reassignment on peremptory challenge can only be filed by a party or a person or entity declaring the intention in good faith to become a party to a ratesetting proceeding. A party is entitled to file a motion only once for reassignment on peremptory challenge. Further, only one peremptory challenge for each side is permitted in a ratesetting proceeding (Rule 9.2(b)). Finally, any such motion must be filed timely.

Timely Filed

The Rules require this motion to be filed no later than 10 days after the date of the notice. In these proceedings, notice of the assignment occurred for purposes of Rule 9.2(c) on February 15, 2008. Since the Motions were filed on February 21, 2008, they were timely filed.

Available Procedure

This is the first petition filed in these proceedings so the procedure is available. These proceedings are categorized as “ratesetting.” Moving for Reassignment on Peremptory Challenge is allowed in ratesetting proceedings.

Properly Supported

The Rules require that a Motion be supported by a declaration under penalty of perjury (or affidavit by out-of-state person). These Motions are so supported by Applicant.

Therefore, **IT IS RULED** that the Motions for Reassignment on Peremptory Challenge, filed by California-American Water Company, are granted. These proceedings are reassigned to Administrative Law Judge Maribeth Bushey.

Dated February 22, 2008, at San Francisco, California.

/s/ PHILIP SCOTT WEISMEHL for
Angela K. Minkin
Chief Administrative Law Judge

INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a hard copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the hard copy of the filed document is current as of today's date.

Dated February 22, 2008, at San Francisco, California.

/s/ ELVIRA NIZ

Elvira Niz